

1398. Citation.

This regulation may be cited and referred to as APhysical Therapy Regulations.≡

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2615, Business and Professions Code.

History:

1. Repealer of Subchapter 13.2 (Sections 1398-1399.73, not consecutive) and new Subchapter 13.2 (Sections 1398-1399.52 not consecutive) filed 5-20-77; effective thirtieth day thereafter (Register 77, No. 21).
2. Amendment of Note filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
3. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.1. Location of Office.

The principal office of the Physical Therapy Board of California is located at 1430 Howe Avenue, Sacramento, California 95825.

Note: Authority cited: Sections 2615, 2655.11, Business and Professions Code. Reference: Section 2602, Business and Professions Code.

1398.3. Definitions.

Unless the context otherwise requires, for the purpose of the regulations contained in this chapter,

(a) "Board" means the Physical Therapy Board of California;

(b) "Code" means the Business and Professions Code;

(c) "The Physical Therapy Practice Act" consists of Chapter 5.7, of Division 2, of the Business and Professions Code.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2615, Business and Professions Code.

History

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.4. Delegation of Functions.

Except for those powers reserved exclusively to the "agency itself" under the Administrative Procedure Act (Section 11500 et seq. of the Government Code), the board delegates and confers upon the executive officer of the board, or in his or her absence, the chairperson of the board, or in his or her absence, the vice-chairperson of the board, all functions necessary to the dispatch of business of the board in connection with investigative and administrative proceedings under the jurisdiction of the board.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2608 and 2614, Business and Professions Code; and Section 11500, Government Code.

History

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
2. Amendment filed 11-16-92; operative 12-16-92 (Register 92, No. 47).

1398.5. Continuation of Existing Regulations.

Note: Authority cited: Section 2615, Business and Professions Code.

History

1. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.6. Filing of Addresses.

(a) Each licensee shall report to the board each and every change of residence address within 30 days after each change, giving both the old and new address. In addition to the address of residence, a licensee may provide the board with an alternate address of record. If an alternate address is the licensee's address of record, he or she may request that the residence address not be disclosed to the public.

(b) Each licensee shall report to the board each and every change of name within 30 days after each change, giving both the old and new names.

(c) For purposes of this section, Alicensee≡ includes any holder of an active, delinquent, suspended or expired license, approval, certification or other authorization issued by the board to practice physical therapy or electromyography which is not canceled or revoked.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.12, 2683 and 2685, Business and Professions Code.

History

1. Amendment of NOTE filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
2. Amendments filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.10. Advertising.

A physical therapist may advertise the provision of any services authorized to be provided by a physical therapy license. Such advertising shall be in a manner authorized by Section 651 of the Code so long as such advertising does not promote the excessive or unnecessary use of such services.

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

Note: Authority cited: Sections 651 and 2615, Business and Professions Code. Reference: Sections 651 and 2660, Business and Professions Code.

History

1. New section filed 2-28-80; effective thirtieth day thereafter (Register 80, No. 9).
2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

ARTICLE 2. APPLICATIONS AND EXAMINATIONS

1398.20. Date and Place of Filing.

Completed applications for all licenses, approvals, and certifications shall be filed in the office of the board in Sacramento at least sixty (60) days prior to the date of the examination.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2632, 2634, 2635 and 2653, Business and Professions Code.

History

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27.)
2. Amendment filed 5-15-91; operative 6-14-91 (Register 91, No. 26).

1398.21. Abandonment of Applications.

An application shall be denied without prejudice when, in the discretion of the board, an applicant does not exercise due diligence in the completion of his or her application, in furnishing additional information or documents requested in or in the payment of any required fees.

Note: Specific reference: Sections 2602, 2632, 2634, 2635, 2636, 2639 and 2655.75, Business and Professions Code.

History

1. New section filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).

1398.21.1. Failure to Pass the Examination.

An application for licensure or approval shall be deemed denied without prejudice when an applicant fails to pass the examination within one year from the date of the original notice to appear for the examination. To reapply, the applicant is then required to file a new application for licensure or approval, to pay the application fee specified in Section 1399.50(a), 1399.50(b) or 1399.52(a) as applicable, and to comply with all laws and regulations in effect at the time of filing. In addition the applicant is required to apply for reexamination and to pay the applicable reexamination fee specified in Section 1399.50(c) or 1399.52(b).

Note: Authority cited: Sections 2615 and 2655.92, Business and Professions Code. Reference: Sections 2632, 2634, 2635, 2636, 2638, 2639, 2655.3, 2655.4, 2655.6, 2655.91 and 2655.92, Business and Professions Code.

History

1. New section filed 11-20-95; operative 12-20-95 (Register 95, No. 47).

1398.22. Failure to Appear for Examination -Withdrawal of Application.

An applicant for examination who, without a reason satisfactory to the board, fails to appear for two written or two oral examinations shall have his or her application withdrawn. Should the applicant subsequently decide to take the examination, he or she shall be required to file an updated application and pay 50% of the current application fee.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2588, 2602, 2636, 2639 and 2655.4, Business and Professions Code.

History

1. New section filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).
2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.23. Failure to Pay Initial License Fee.

An application shall be deemed to have been abandoned and any examination taken not passed if an applicant fails to pay the initial license fee within five years after notification by the board. An applicant whose application has been deemed abandoned may again be eligible for licensure upon re-examination and the filing of an updated application with the current application fee.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.4 and 2688, Business and Professions Code.

History

1. New section filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).
2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.24. Review of Physical Therapist Applications; Processing Time.

(a) The board shall inform an applicant for licensure as a physical therapist who has graduated from an approved physical therapy school within 14 days whether the application is complete and accepted for filing or is deficient and what specific information is required.

(b) The board shall inform an applicant for licensure as a physical therapist who has graduated from an approved physical therapy

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

school within 60 days after completion of the application, of its decision whether the applicant meets the requirements for licensure. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant. This period may be extended by that time necessary for retaking or rescheduling an examination.

(c) The minimum, median and maximum processing time for an application for licensure as a physical therapist who has graduated from an approved physical therapy school from the time of receipt of the initial application until the board makes a final decision on the application are:

- (1) Minimum -46 days
- (2) Median -88 days
- (3) Maximum -372 days

These processing times apply to those applicants who take and pass the first available licensing examination.

Note: Authority cited: Section 2615, Business and Professions Code; and Section 15376, Government Code. Reference: Section 2632, Business and Professions Code; and Section 15376, Government Code.

History

1. Renumbering of former Section 1398.24 to Section 1398.26 and new Section 1398.24 filed 9-8-83; effective thirtieth day thereafter (Register 83, No. 37).

1398.25. Credentials Evaluation Services.

In accordance with Section 2653 of the code, the board will accept reports from credentials evaluation services which meet all of the following criteria:

(a) The service retains the services of a physical therapist consultant(s) who is licensed as a physical therapist in a state or territory of the United States and is used in an advisory capacity to review individual cases for comparability to the educational and training requirements of Section 2650 of the code for hours and content.

(b) The service is able to document the experience of its employees by producing positive letters of reference from other state licensing agencies, educational institutions or professional organizations.

(c) The service is able to submit a report to the board that shall be based on a review of original documentation of an applicant's credentials and shall document the following:

(1) The equivalent professional degree the foreign applicant would have received from an accredited physical therapist education program located in the United States.

(2) Whether completion of the foreign applicant's physical therapist education and training entitles the foreign applicant to practice as a physical therapist in the country where the education and training was completed.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650 and 2653, Business and Professions Code.

History

1. New section filed 8-22-77; effective thirtieth day thereafter (Register 77, No. 35).

2. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

3. New section filed 8-31-84; effective thirtieth day thereafter (Register 84, No. 35).

4. New subsections (c)-(c)(2) filed 9-9-94; operative 10-10-94 (Register 94, No. 36).

1398.26. Applications of Foreign Graduates.

(a) Persons applying under Section 2653 of the code shall submit with their application a legible copy of the diploma conferred upon them, and a complete transcript of the resident course of professional instruction completed which has been authenticated by the proper official of the school. Credentials submitted in a language other than English shall be accompanied by an original translation certified by a qualified translator other than the applicant.

(b) Where because of circumstances beyond his or her control an applicant is unable to furnish any of the credentials required under subsection (a) above, the board may in its discretion accept other documents which it deems sufficient to establish the applicant's eligibility.

(c) Within fifteen (15) days after completion of each three (3) months of such period of clinical service the supervisor shall submit to the board on a form provided by it a quarterly report and evaluation of the applicant's performance during the preceding three months. In the report the supervisor may recommend that the remaining period of clinical service be waived as to the applicant. The supervisor's recommendation shall not be binding upon the board. Such recommendations shall be supported by sufficient information as to the applicant's performance as will enable the board to determine whether the remaining period of clinical service may be waived.

(d) The board may waive all or part of the required period of clinical service if it finds the applicant has completed a period of clinical service equivalent to that required by Section 2653 of the code. Such clinical service shall be certified by at least one supervisor who is a physical therapist licensed by the board, or by a physical therapy licensing authority in another jurisdiction, and who is accepted by the board. The board may also waive the required period of clinical service if it finds the applicant is licensed and has been practicing in another state for a sufficient period of time to demonstrate the clinical competence required for practice in this state.

Note: Authority cited: Sections 2615 and 2653, Business and Professions Code. Reference: Section 2653, Business and Professions Code.

History

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

1. Amendment of subsection (g) filed 5-10-78; effective thirtieth day thereafter (Register 78, No. 19).
2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
3. Renumbering of former Section 1398.24 to Section 1398.26 filed 9-8-83; effective thirtieth day thereafter (Register 83, No. 37).

1398.27. Review of Foreign-Trained Physical Therapist Applications; Processing Time.

(a) The board shall inform an applicant for licensure as a physical therapist who has graduated from a foreign physical therapy school within 40 days whether the application is complete and accepted for filing or is deficient and what specific information is required.

(b) The board shall inform an applicant for licensure, a physical therapist who has graduated from a foreign physical therapy school within 350 days after completion of the application, of its decision whether the applicant meets the requirements for licensure.

"Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant. This period may be extended by that time necessary for retaking or rescheduling an examination or if the applicant is delayed in obtaining or completing any required clinical service.

(c) The minimum, median and maximum processing time for an application for licensure as a physical therapist who has graduated from a foreign physical therapy school from the time of receipt of the initial application until the board makes a final decision on the application are:

- (1) Minimum -95 days
- (2) Median -400 days
- (3) Maximum -550 days

These processing times apply to those applicants who take and pass the first available licensing examination.

Note: Authority cited: Section 2615, Business and Professions Code; and Section 15376, Government Code. Reference: Section 2632, Business and Professions Code; and Section 15376, Government Code.

History

1. New section filed 9-8-83; effective thirtieth day thereafter (Register 83, No. 37).

1398.28. Written Examination.

(a) The uniform examination utilized by the board for the licensure of physical therapists is the examination for physical therapists prepared by the Professional Examination Service.

(b) The uniform examination utilized by the board for the approval of physical therapist assistants is the examination for physical therapist assistants prepared by the Professional Examination Service.

Note: Authority cited: Sections 851 and 2615, Business and Professions Code. Reference: Sections 851, 2605, 2636, 2636.1 and 2655.4, Business and Professions Code.

History

1. Amendment filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
2. Repealer of subsection (c) filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
3. Amendment of subsections (a) and (b) filed 4-20-90; operative 5-20-90 (Register 90, No. 21).

ARTICLE 3. PHYSICAL THERAPY SCHOOLS

1398.30. Approved Physical Therapy Schools.

Only those schools which meet the requirements set forth in Section 1398.31 shall be approved by the board for professional education in physical therapy. The executive officer shall maintain on file at the board's Sacramento office a list of approved schools.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2635, 2650 and 2651, Business and Professions Code.

History

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.31. Criteria for Approval of Physical Therapy Schools.

(a) Physical therapy educational programs shall be established in post-secondary educational institutions accredited by a national association or agency recognized by the Council on Post Secondary Accreditation and/or the U.S. Department of Education.

(b) The physical therapy educational program shall be accredited by the agency or organization recognized by the Council on Post Secondary Accreditation or the U.S. Department of Education.

(c) Teaching programs of not less than 1400 hours duration also may be established in hospitals for students whose preliminary education meets the requirements of Section 2650 of the code, providing the physical therapy education program is accredited as set forth in subsection (b).

(d) Nothing in this section shall be construed to prevent the board from approving a school or training program which is not approved or from not approving a school or training program which is approved by one of the above-mentioned entities.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2635, 2650 and 2651, Business and Professions Code.

History

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

1398.32. Services and Facilities.

Note: Authority cited: Section 2615, Business and Professions Code.

History

1. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.33. Faculty.

Note: Authority cited: Section 2615, Business and Professions Code.

History

1. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.34. Curriculum.

Note: Authority cited: Section 2615, Business and Professions Code.

History

1. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.37. Identification of Students and Interns.

(a) When rendering physical therapy services as part of academic training, a physical therapy student shall only be identified as a "physical therapy student." A person who has completed the required academic course work may be identified as a "physical therapy intern" when rendering physical therapy services.

(b) When rendering physical therapy services, the required identification shall be clearly visible.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2650.1, Business and Professions Code.

History

1. New section filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.38. Criteria for Approval of Facilities for Physical Therapy Service by Foreign Graduates.

Pursuant to Section 2653 of the code in order to be approved for the service of foreign physical therapy graduates who will be candidates for examination in licensure as physical therapists in this state, each physical therapy facility shall maintain:

- (a) An established physical therapy department with a licensed physical therapist in charge thereof;
- (b) A staff adequate in size and experience to provide a minimum of one supervisor to each applicant;
- (c) Space, equipment and patient load adequate to provide suitable experience in and demonstration of clinical applications of the procedures and physical therapy subjects specified in Section 2650, subsection (b), of the code; and
- (d) Adequate patient or other records to reflect the applicant's clinical experience and training in patient management and educational experience.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2650 and 2653, Business and Professions Code.

History

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

ARTICLE 4. PHYSICAL THERAPIST ASSISTANT

1398.40. Definitions.

For the purpose of the regulations contained in this article,

- (a) "supervisor" means a physical therapist licensed by the board;
- (b) "assistant" means a physical therapist assistant who has been approved by the board .

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. Reference: Section 2655, Business and Professions Code.

History

1. Amendment filed 10-19-83; effective thirtieth day thereafter (Register 83, No. 43).

1398.41. Applications for Approval as an Assistant.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code.

History

1. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.42. Review of Physical Therapist Assistant Applications; Processing Time.

(a) The board shall inform an applicant for approval as a physical therapist assistant within 14 days whether the application is complete and accepted for filing or is deficient and what specific information is required.

(b) The board shall inform an applicant for approval as a physical therapist assistant within 85 days after completion of the application, of its decision whether the applicant meets the requirements for approval. "Completion of the application" means that a completed application form together with all required information, documentation and fees have been filed by the applicant. This

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

period may be extended by that time necessary for retaking or rescheduling an examination.

(c) The minimum, median and maximum processing time for an application for approval as a physical therapist assistant from the time of receipt of the initial application until the board makes a final decision on the application are:

- (1) Minimum -67 days
- (2) Median -127 days
- (3) Maximum -166 days

These processing times apply to those applicants who take and pass the first available examination.

Note: Authority cited: Section 2615, Business and Professions Code; and Section 15376, Government Code. Reference: Section 2655.3, Business and Professions Code; and Section 15376, Government Code.

History

1. Repealer and new section filed 9-8-83; effective thirtieth day thereafter (Register 83, No. 37).

1398.43. Qualifications of Supervisor.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.1 and 2655.2, Business and Professions Code.

History

1. Repealer filed 9-8-83; effective thirtieth day thereafter (Register 83, No. 37).

1398.44. Adequate Supervision Defined.

A licensed physical therapist shall at all times be responsible for all physical therapy services provided by the physical therapist assistant. The supervising physical therapist has continuing responsibility to follow the progress of each patient, provide direct care to the patient and to assure that the physical therapist assistant does not function autonomously. Adequate supervision shall include all of the following:

(a) The supervising physical therapist shall be readily available in person or by telecommunication to the physical therapist assistant at all times while the physical therapist assistant is treating patients. The supervising physical therapist shall provide periodic on site supervision and observation of the assigned patient care rendered by the physical therapist assistant.

(b) The supervising physical therapist shall initially evaluate each patient and document in the patient record, along with his or her signature, the evaluation and when the patient is to be reevaluated.

(c) The supervising physical therapist shall formulate and document in each patient's record, along with his or her signature, the treatment program goals and plan based upon the evaluation and any other information available to the supervising physical therapist. This information shall be communicated verbally, or in writing by the supervising physical therapist to the physical therapist assistant prior to initiation of treatment by the physical therapist assistant. The supervising physical therapist shall determine which elements of the treatment plan may be assigned to the physical therapist assistant. Assignment of these responsibilities must be commensurate with the qualifications, including experience, education and training, of the physical therapist assistant.

(d) The supervising physical therapist shall reevaluate the patient as previously determined, or more often if necessary, and modify the treatment, goals and plan as needed. The reevaluation shall include treatment to the patient by the supervising physical therapist. The reevaluation shall be documented and signed by the supervising physical therapist in the patient's record and shall reflect the patient's progress toward the treatment goals and when the next reevaluation shall be performed.

(e) The physical therapist assistant shall document each treatment in the patient record, along with his or her signature. The physical therapist assistant shall document in the patient record and notify the supervising physical therapist of any change in the patient's condition not consistent with planned progress or treatment goals. The change in condition necessitates a reevaluation by a supervising physical therapist before further treatment by the physical therapist assistant.

(f) Within seven (7) days of the care being provided by the physical therapist assistant, the supervising physical therapist shall review, cosign and date all documentation by the physical therapist assistant or conduct a weekly case conference and document it in the patient record. Cosigning by the supervising physical therapist indicates that the supervising physical therapist has read the documentation, and unless the supervising physical therapist indicates otherwise, he or she is in agreement with the contents of the documentation.

(g) There shall be a regularly scheduled and documented case conference between the supervising physical therapist and physical therapist assistant regarding the patient. The frequency of the conferences is to be determined by the supervising physical therapist based on the needs of the patient, the supervisory needs of the physical therapist assistant and shall be at least every thirty calendar days.

(h) The supervising physical therapist shall establish a discharge plan. At the time of discharge, or within 7 (seven) days thereafter, a supervising physical therapist shall document in the patient's record, along with his or her signature, the patient's response to treatment in the form of a reevaluation or discharge summary.

Note: Authority cited: Sections 2615, 2655.1 and 2655.92, Business and Professions Code. Reference: Section 2655.92, Business and Professions Code.

History

1. Repealer of subsection (f) filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

2. Amendment of section and Note filed 9-18-96; operative 9-18-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 38).

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

1398.45. Withdrawal of Approval as a Physical Therapist Assistant.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code.

History

1. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.46. Withdrawal of Approval as a Supervisor.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code.

History

1. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.47. Equivalent Training or Experience.

(a) Training and experience considered equivalent to that obtained in an approved physical therapist assistant school shall be acquired in one of the following ways:

(1) Military training, consisting of satisfactory completion of a basic hospital corps member course and of a formal physical therapist assistant course that includes a minimum of 550 hours of technical courses relating to physical therapy, and 350 hours of supervised clinical experience. In addition, the applicant shall complete the general education requirements described in subsection (c). The applicant shall have obtained a grade of "c" or better in all formal course work to be accepted for approval as a physical therapist assistant.

(2) A combination of training and 36 months of full-time work experience in physical therapy described in subsection (b). Training shall consist of satisfactory completion of 30 semester units or 40 quarter units of instruction in a variety of the following technical areas: Human anatomy and physiology, including laboratory experience; kinesiology and topographical anatomy; first-aid; basic principles of electromagnetism, mechanics and thermodynamics, biomechanics, and massage; application of therapeutic exercise and modalities for the physically disabled; survey of pathophysiological conditions resulting from injury or disease; ethics; and laws relating to physical therapy. In addition, the applicant shall complete the general education requirements described in subsection (c). The applicant shall have obtained a grade of "c" or better in all technical course work to be accepted for approval as a physical therapist assistant. For those applicants who file an application for approval after June 30, 1996, 18 months of the work experience shall be in providing patient related tasks under the orders, direction and immediate supervision of a physical therapist in an acute care inpatient facility.

(3) Sixty (60) months of full-time work experience in physical therapy described in subsection (b). For those applicants who file an application for approval after June 30, 1996, 30 months of the work experience shall be in providing patient related tasks under the orders, direction and immediate supervision of a physical therapist in an acute care inpatient facility. In addition, the applicant shall complete the general education requirements described in subsection (c).

(4) Successful completion of professional education described in subdivisions (b)(1), (b)(4), (b)(5), and (b)(8) of section 2650 of the code and of the general education requirements described in subsection (c).

(b) Work experience used to satisfy subsections (a)(2) and (a)(3) shall be obtained under the orders, direction and immediate supervision of (1) a physical therapist licensed by the board, (2) a physical therapist employed by the United States Government, or (3) an out-of-state licensed physical therapist who has qualifications equivalent to a physical therapist licensed by the board, and shall consist of assisting the supervising physical therapist in the treatment of patients of both sexes, varying ages and disabilities. Full-time work experience shall be credited on the basis of a compensated 40-hour work week, allowing for the usual and customary periods of absence. Work credit shall be given for part-time employment. The work experience shall have been obtained within ten years of the date the application for approval is filed with the board, provided that, one-half of the experience has been obtained within five years of the application.

(c) General education requirements shall consist of satisfactory completion of 15 semester units or 20 quarter units, including at least one course in each of the following areas:

- (1) Natural sciences.
- (2) Social or behavioral sciences.
- (3) Humanities.
- (4) English, speech, or mathematics.

Completion of a course in English composition which meets the Associate or Bachelor of Arts degree requirement of the college at which the course is taken, is required as part of the general education requirement, except that this subject shall not be required of those applicants who are foreign trained.

(d) Proof of completion of the general education courses in subsection (c) and of the technical courses in subsection (a)(2) shall be submitted on an official transcript. The courses may be taken at any post-secondary institution that is accredited by an agency recognized by the Council on Post-Secondary Accreditation or the U.S. Department of Education. Credit will be given for academic units given by the educational institution for equivalent experience or education as well as for the results of equivalency or proficiency examinations.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. Reference: Section 2655.3, Business and Professions Code.

History

1. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

2. Amendment of subsection (a) filed 5-15-91; operative 6-14-91 (Register 91, No. 26).

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

3. Editorial correction of printing error in subsection (c)(4) (Register 91, No. 26).

4. Amendment of subsections (a)(1)-(a)(3) and (b) filed 10-21-94; operative 11- 21-94 (Register 94, No. 42).

ARTICLE 5. PHYSICAL THERAPIST ASSISTANT SCHOOLS

1398.50. Approved Physical Therapist Assistant Schools.

Those schools which meet the requirements of Section 1398.51 shall be approved by the board for the training of physical therapist assistants. The executive officer shall maintain on file at the board's office a list of approved schools.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. Reference: Section 2655.9, Business and Professions Code.

History

1. Repealer of Article 5 (Sections 1398.50-1398.54) and new Article 5 (Sections 1398.50 and 1398.51) filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1398.51. Criteria for Approval of Physical Therapist Assistant Schools.

(a) Physical therapist assistant training programs shall be established in post-secondary educational institutions accredited by a regional association recognized by the U.S. Department of Education or the Council on Post- Secondary Accreditation.

(b) The physical therapist assistant training program shall be accredited by the appropriate agency or organization recognized by the U.S. Department of Education or the Council on Post-Secondary Accreditation.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. Reference: Section 2655.9, Business and Professions Code.

ARTICLE 6. PHYSICAL THERAPY AIDES

1399. Requirements for Use of Aides.

A physical therapy aide is an unlicensed person who assists a physical therapist and may be utilized by a physical therapist in his or her practice by performing nonpatient related tasks, or by performing patient related tasks.

(a) As used in these regulations:

(1) A "patient related task" means a physical therapy service rendered directly to the patient by an aide, excluding nonpatient related tasks as defined below.

(2) A "nonpatient related task" means a task related to observation of the patient, transport of patients, physical support only during gait or transfer training, housekeeping duties, clerical duties and similar functions.

(b) "Under the orders, direction and immediate supervision" means:

(1) Prior to the initiation of care, the physical therapist shall evaluate every patient prior to the performance of any patient related tasks by the aide. The evaluation shall be documented in the patient's record.

(2) The physical therapist shall formulate and record in the patient's record a treatment program based upon the evaluation and any other information available to the physical therapist, and shall determine those patient related tasks which may be assigned to an aide. The patient's record shall reflect those patient related tasks that were rendered by the aide, including the signature of the aide who performed those tasks.

(3) The physical therapist shall assign only those patient related tasks that can be safely and effectively performed by the aide. The supervising physical therapist shall be responsible at all times for the conduct of the aide while he or she is on duty.

(4) The physical therapist shall provide continuous and immediate supervision of the aide. The physical therapist shall be in the same facility as and in immediate proximity to the location where the aide is performing patient related tasks, and shall be readily available at all times to provide advice or instruction to the aide. When patient related tasks are provided a patient by an aide the supervising physical therapist shall at some point during the treatment day provide direct service to the patient as treatment for the patient's condition or to further evaluate and monitor the patient's progress, and so document in the patient's record.

(5) The physical therapist shall perform periodic re-evaluation of the patient as necessary and make adjustments in the patient's treatment program. The re-evaluation shall be documented in the patient's record.

(6) The supervising physical therapist shall countersign with their first initial and last name, and date all entries in the patient's record, on the same day as patient related tasks were provided by the aide.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2630, Business and Professions Code.

History

1. Amendment of subsection (b) filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).

2. Amendment filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

3. Amendment of subsections (b)(1), (b)(2), (b)(4) and (b)(5) and new subsection (b)(6) filed 10-21-94; operative 11-21-94 (Register 94, No. 42).

1399.1. Limitation on Aides Utilized.

A physical therapist shall not supervise more than one aide at any one time performing patient related tasks.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2630, Business and Professions Code.

History

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

1. New section filed 10-21-94; operative 11-21-94 (Register 94, No. 42).

ARTICLE 7. PRACTICE BY APPLICANTS

1399.10. Supervision.

Pursuant to Section 2639 of the code, a physical therapy license applicant whose application for registration has been filed and reviewed by the board may perform as a physical therapist if he or she is under the direct and immediate supervision of a physical therapist licensed by the board. "Direct and immediate supervision" means a supervisor shall at all times be responsible for and provide adequate supervision of the work performed by the graduate and shall be in close proximity to the location where the graduate is rendering physical therapy treatment.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2639, Business and Professions Code.
History

1. Amendment filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).
2. Amendment filed 10-19-83; effective thirtieth day thereafter (Register 83, No. 43).

1399.11. Notification of Examination Results.

Note: Authority cited: Sections 2655 and 2655.11, Business and Professions Code.
History

1. Amendment filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).
2. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.12. Physical Therapist Assistants.

Pursuant to Section 2655.10 of the code, a physical therapist assistant applicant whose application for approval has been filed and reviewed by the board may assist in the provision of physical therapy services if he or she is under the direct and immediate supervision of a physical therapist licensed by the board. "Direct and immediate" means a supervisor shall at all times be responsible for and provide adequate supervision of the work performed by the applicant and shall be in close proximity to the location where the applicant is assisting in the provision of physical therapy treatment.

Note: Authority cited: Sections 2615 and 2655.11, Business and Professions Code. Reference: Section 2655.10, Business and Professions Code.
History

1. New section filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).
2. Amendment filed 10-19-83; effective thirtieth day thereafter (Register 83, No. 43).

ARTICLE 8. DISCIPLINE AND REINSTATEMENT OF LICENSE

1399.15. Disciplinary Guidelines

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et. seq.), the Board shall consider the disciplinary guidelines entitled ADisciplinary Guidelines (Revised January 31, 1997, which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board, in its sole discretion, determines that the facts of the particular case warrants such a deviation - for example: The presence of mitigating factors; the age of the case; evidentiary problems.

1399.20. Substantial Relationship Criteria.

For the purposes of denial, suspension or revocation of a license or approval, pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license or approval under the Physical Therapy Practice Act if to a substantial degree it evidences present or potential unfitness of a person to perform the functions authorized by the license or approval in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following:

- (a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Physical Therapy Practice Act.
- (b) Conviction of a crime involving fiscal dishonesty arising out of or in connection with the practice of physical therapy.
- (c) Violating or attempting to violate any provision or term of the Medical Practice Act.

Note: Authority cited: Sections 481 and 2615, Business and Professions Code. Reference: Sections 481, 2660 and 2661, Business and Professions Code.
History

1. Repealer of NOTE and new NOTE filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
2. Amendment of Article 8 heading and section filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.21. Rehabilitation Criteria for Denial and Reinstatement of Licensure.

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

When considering the denial of a license, certificate, approval, or permit under Section 480 of the code or a petition for reinstatement under Section 11522 of the Government Code, the board, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license or approval shall consider the following criteria:

- (a) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (b) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480.
- (c) The time that has elapsed since commission of the act(s) or crime(s) referred to in subsections (a) or (b).
- (d) The extent to which the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.
- (e) Evidence, if any, of rehabilitation submitted by the applicant.

Note: Authority cited: Sections 482 and 2615, Business and Professions Code. Reference: Sections 482, 2660 and 2661, Business and Professions Code.

History

- 1. Amendment of NOTE filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
- 2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.22. Rehabilitation Criteria for Suspensions or Revocations.

When considering the suspension or revocation of a license or approval on the ground that a person holding a license or approval under the Physical Therapy Practice Act has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his or her eligibility for a license or approval shall consider the following criteria:

- (a) The nature and severity of the act(s) or offense(s).
- (b) The total criminal record.
- (c) The time that has elapsed since commission of the act(s) or offense(s).
- (d) Whether the licensee, certificate, approval, or permit holder has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person.
- (e) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
- (f) Evidence, if any, of rehabilitation submitted by the license, certificate, approval, or permit holder.

Note: Authority cited: Sections 482 and 2615, Business and Professions Code. Reference: Sections 482, 2660 and 2661, Business and Professions Code.

History

- 1. Amendment of NOTE filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
- 2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.25. Administrative Citations.

(a) The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines for violations by a licensed physical therapist or physical therapist assistant of the statutes referred to in section 1399.26.

(b) A citation shall be issued whenever any fine is levied or any order of abatement is issued. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute alleged to have been violated. The citation shall be served upon the individual personally or by certified mail.

Note: Authority cited: Sections 125.9, 125.95 and 2615, Business and Professions Code. Reference: Sections 125.9 and 125.95, Business and Professions Code.

History

- 1. New section filed 4-25-90; operative 5-25-90 (Register 90, No. 21).

1399.26. Amount of Fines.

The amount of any fine to be levied by the executive officer shall take into consideration the factors listed in subdivision (b)(3) of section 125.9 of the code and shall be within the range set forth below.

(a) The fine for a violation of the following provisions shall be from \$100 to \$2500:

- (1) Business and Professions Code section 651
- (2) Business and Professions Code section 2261
- (3) Business and Professions Code section 2263
- (4) Business and Professions Code section 2264
- (5) Business and Professions Code section 2273
- (6) Business and Professions Code section 2286
- (7) Business and Professions Code section 2630
- (8) Business and Professions Code section 2633
- (9) Business and Professions Code section 2655.2
- (10) Business and Professions Code section 2660(a)
- (11) Business and Professions Code section 2660(j)
- (12) Business and Professions Code section 2660(k)

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

(13) Title 16 California Code of Regulations section 1398.44

(b) In her or his discretion, the executive officer may issue an order of abatement without levying a fine for the first violation of any provision set forth in subsection (a).

Note: Authority cited: Sections 125.9, 125.95 and 2615, Business and Professions Code. Reference: Sections 125.9 and 125.95, Business and Professions Code.

History

1. New section filed 4-25-90; operative 5-25-90 (Register 90, No. 21).

1399.27. Compliance with Orders of Abatement.

(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the person cited may request an extension of time from the executive officer in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) When an order of abatement is not contested or if the order is appealed and the person cited does not prevail, failure to abate the violation charged within the time allowed shall constitute a violation and failure to comply with the order of abatement. An order of abatement shall either be personally served or mailed by certified mail, return receipt requested. The time allowed for the abatement of a violation shall begin when the order of abatement is final and has been served or received. Such failure may result in disciplinary action being taken by the board or other appropriate judicial relief being taken against the person cited.

Note: Authority cited: Sections 125.9, 125.95 and 2615, Business and Professions Code. Reference: Sections 125.9 and 125.95, Business and Professions Code.

History

1. New section filed 4-25-90; operative 5-25-90 (Register 90, No. 21).

1399.28. Citations for Unlicensed Practice.

The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines against persons, partnerships, corporations or associations who are performing or who have performed services for which licensure as a physical therapist or approval as a physical therapist assistant is required under the Physical Therapy Practice Act. Each citation issued shall contain an order of abatement. Where appropriate, the executive officer shall levy a fine for such unlicensed activity in accordance with subdivision (b)(3) of section 125.9 of the code. The provisions of sections 1399.25 and 1399.27 shall apply to the issuance of citations for unlicensed activity under this subsection. The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

Note: Authority cited: Sections 125.9, 125.95 and 2615, Business and Professions Code. Reference: Sections 125.9 and 125.95, Business and Professions Code.

History

1. New section filed 4-25-90; operative 5-25-90 (Register 90, No. 21).

1399.29. Contest of Citations.

(a) In addition to requesting a hearing as provided for in subdivision (b)(4) of section 125.9 of the code, the person cited may, within ten (10) days after service or receipt of the citation, notify the executive officer in writing of his or her request for an informal conference with the executive officer regarding the acts charged in the citation. The time allowed for the request shall begin the first day after the citation has been served or received.

(b) The executive officer shall hold, within 30 days from the receipt of the request, an informal conference with the person cited or his or her legal counsel or authorized representative. At the conclusion of the informal conference the executive officer may affirm, modify or dismiss the citation, including any fine levied or order of abatement issued. The executive officer shall state in writing the reasons for his or her action and serve or mail, as provided in subsection (b) of section 1399.27, a copy of his or her findings and decision to the person cited within ten days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.

(c) The person cited does not waive his or her request for a hearing to contest a citation by requesting an informal conference after which the citation is affirmed by the executive officer. If the citation is dismissed after the informal conference, the request for a hearing on the matter of the citation shall be deemed to be withdrawn. If the citation, including any fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and new citation issued. If a hearing is requested for the subsequent citation, it shall be requested within 30 days in accordance with subdivision (b)(4) of section 125.9 of the code.

Note: Authority cited: Sections 125.9, 125.95 and 2615, Business and Professions Code. Reference: Sections 125.9 and 125.95, Business and Professions Code.

History

1. New section filed 4-25-90; operative 5-25-90 (Register 90, No. 21).

ARTICLE 9. PHYSICAL THERAPY PROFESSIONAL CORPORATIONS

1399.30. Citation.

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

These regulations may be cited and referred to as "Physical Therapy Professional Corporation Regulations."

Note: Authority and reference cited: Sections 2615 and 2696, Business and Professions Code; and Section 13410, Corporations Code.

History

1. New Article 9. (Sections 1399.30-1399.41) filed 8-31-77; effective thirtieth day thereafter (Register 77, No. 36).
2. Amendment filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).
3. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.31. Professional Relationships and Responsibilities Not Affected.

Note: Authority cited: Section 2696, Business and Professions Code.

History

1. Amendment filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).
2. Repealer filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.32. Office for Filing.

Note: Authority cited: Section 2696, Business and Professions Code.

History

1. Repealer filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.33. Application.

Note: Authority cited: Section 2696, Business and Professions Code.

History

1. Repealer filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.34. Approval and Issuance of Certificates.

Note: Authority cited: Section 2696, Business and Professions Code.

History

1. Repealer filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.35. Requirements for Professional Corporations.

A professional corporation shall comply with the following provisions:

- (a) The corporation is organized and exists pursuant to the general corporation law and is a professional corporation within the meaning of Moscone-Knox Professional Corporations Act (Section 13400 et seq. of the Corporations Code).
- (b) Each shareholder, director and officer (except as provided in Section 13403 of the Corporations Code and Section 2694 of the code) holds a valid physical therapist license. A physical therapist may be a shareholder in more than one professional corporation.
- (c) Each professional employee of the corporation who will practice physical therapy, whether or not a director, officer or shareholder, holds a valid physical therapist license.

Note: Authority cited: Sections 2615 and 2696, Business and Professions Code. Reference: Sections 2690 and 2694, Business and Professions Code; and Sections 13401, 13403, 13404, 13405, 13406 and 13407, Corporations Code.

History

1. Amendment filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).
2. Amendment filed 10-19-83; effective thirtieth day thereafter (Register 83, No. 43).

1399.36. Namestyle.

Note: Authority cited: Section 2696, Business and Professions Code.

History

1. Repealer and new section filed 8-2-79; effective thirtieth day thereafter (Register 79, No. 31).
2. Repealer filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.37. Shares: Ownership and Transfer.

- (a) Where there are two or more shareholders in a professional corporation and one of the shareholders:
 - (1) Dies; or
 - (2) Becomes a disqualified person as defined in Section 13401(d) of the Corporations Code for a period exceeding ninety (90) days, his or her shares shall be sold and transferred to the corporation, its shareholders or other eligible licensed persons on such terms as are agreed upon. Such sale or transfer shall not be later than six (6) months after any such death and not later than ninety (90) days after the date the shareholder becomes a disqualified person. The requirements of this subsection shall be set forth in the professional corporation's articles of incorporation or bylaws.
- (b) A corporation and its shareholders may, but need not, agree that shares sold to it by a person who becomes a disqualified person may be resold to such person if and when he or she again becomes an eligible shareholder.
- (c) The share certificates of a professional corporation shall contain an appropriate legend setting forth the restrictions of subsection (b), where applicable.
- (d) Nothing in these regulations shall be construed to prohibit a professional corporation from owning shares in a nonprofessional corporation.

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

Note: Authority cited: Section 2696, Business and Professions Code. Reference: Section 2696, Business and Professions Code; and Sections 13401, 13403, 13406 and 13407, Corporations Code.

History

1. Amendment of subsection (f) filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).
2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.38. Certificates of Registration: Continuing Validity and Reports.

Note: Authority cited: Section 2696, Business and Professions Code.

History

1. Amendment of subsections (b), (c), and (d) filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
2. Repealer filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.39. Corporate Activities.

(a) A professional corporation may perform any act authorized in its articles of incorporation or bylaws so long as that act is not in conflict with or prohibited by these regulations, the Physical Therapy Practice Act or the regulations adopted pursuant thereto.

(b) A professional corporation may enter into partnership agreements with other physical therapists practicing individually or in a group or with other physical therapy professional corporations.

Note: Authority cited: Section 2696, Business and Professions Code. Reference: Section 2696, Business and Professions Code; and Sections 13403, 13408 and 13410, Corporations Code.

History

1. Amendment of subsection (a) filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.40. Trusts.

The restrictions on the ownership of the shares of professional corporations shall apply to both the legal and equitable title to such shares.

Note: Authority cited: Section 2696, Business and Professions Code. Reference: Sections 13406 and 13407, Business and Professions Code.

History

1. Amendment filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.41. Effect of Surrendered or Revoked Certificates; Probate.

Note: Authority cited: Section 2696, Business and Professions Code.

History

1. Repealer filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

ARTICLE 10. FEES

1399.50. Physical Therapist Fees.

Pursuant to section 2688 of the code physical therapist fees are fixed as follows:

- (a) The application fee shall be \$50.00.
- (b) The application fee for foreign graduates under section 2653 of the code shall be \$100.00.
- (c) The examination and re-examination fees for taking the national examination shall be \$280.00.
- (d) The examination and re-examination fees for taking the law and regulations examination shall be \$85.00.
- (e) The initial license fee shall be \$120.00.
- (f) The biennial renewal fee shall be \$120.00.
- (g) The delinquency fee is \$60.00.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2638 and 2688, Business and Professions Code.

History

1. Amendment filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).
2. Amendment filed 10-27-78 as an emergency; effective upon filing (Register 78, No. 43).
3. Certificate of Compliance filed 12-20-78 (Register 78, No. 51).
4. New subsection (c) and renumbering of subsection (c) to (d) filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
5. Amendment of subsections (c) and (d) filed 8-2-79; effective thirtieth day thereafter (Register 79, No. 31).
6. Amendment filed 2-8-80; effective thirtieth day thereafter (Register 80, No. 6).
7. Amendment filed 1-25-82; effective thirtieth day thereafter (Register 82, No. 5).
8. Amendment of subsections (a), (b) and (c) filed 5-15-91; operative 6-14-91 (Register 91, No. 26).
9. Amendment of subsections (d)-(f) filed 12-30-91; operative 1-29-92 (Register 92, No. 11).
10. Amendment of subsections (c)-(f) filed 11-19-92; operative 12-21-92 (Register 92, No. 47).
11. Amendment of subsection (c) filed 12-6-94; operative 12-6-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 49).

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

12. Amendment of subsections (a) and (b) filed 5-15-96; operative 6-14-96 (Register 96, No. 20).

1399.51. Initial License Fee Waiver.

The initial license fee required in Section 2688(b) of the code shall be waived in the event the certificate issued will expire less than 45 days from the date on which it was issued.

1399.52. Physical Therapist Assistant Fees.

Pursuant to section 2688 of the code physical therapist assistant fees are fixed as follows:

- (a) The application fee for approval as a physical therapist assistant shall be \$50.00.
- (b) The examination and re-examination fees for taking the physical therapist assistant national examination shall be \$265.00.
- (c) The examination and re-examination fees for taking the law and regulation examination shall be \$85.00.
- (d) The biennial renewal fee for a physical therapist assistant shall be \$120.00.
- (e) The delinquency fee for a physical therapist assistant shall be \$60.00.
- (f) The initial approval fee for a physical therapist assistant shall be \$120.00.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2655.6 and 2688, Business and Professions Code.

History

- 1. Amendment of subsection (a) filed 1-30-79; effective thirtieth day thereafter (Register 79, No. 5).
- 2. New subsection (b), and renumbering of subsections (b), (c), and (d) to (c), (d), and (e) filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
- 3. Amendment filed 8-2-79; effective thirtieth day thereafter (Register 79, No. 31).
- 4. Amendment filed 2-8-80; effective thirtieth day thereafter (Register 80, No. 6).
- 5. Amendment of subsections (e)-(g) filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).
- 6. Amendment filed 1-25-82; effective thirtieth day thereafter (Register 82, No. 5).
- 7. Repealer of subsections (e)-(g) filed 8-13-86; effective thirtieth day thereafter (Register 86, No. 33).
- 8. Amendment of subsection (b) filed 5-15-91; operative 6-14-91 (Register 91, No. 26).
- 9. Amendment of subsections (c) and (d) filed 1-6-92; operative 2-5-92 (Register 92, No. 11).
- 10. Amendment of subsections (a)-(d) and new subsection (e) filed 11-19-92; operative 12-21-92 (Register 92, No. 47).
- 11. Amendment of subsection (b) filed 12-6-94; operative 12-6-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 49).
- 12. Amendment of subsection (a) filed 5-15-96; operative 6-14-96 (Register 96, No. 20).

1399.53. Professional Corporation Fees.

Note: Authority cited: Sections 2615 and 2696, Business and Professions Code.

History

- 1. New section filed 8-31-77; effective thirtieth day thereafter (Register 77, No. 36).
- 2. Amendment of subsection (b) filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).
- 3. Amendment of subsections (b) and (c), and new subsections (d) and (e) filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
- 4. Editorial correction of subsection (c) (Register 79, No. 29).
- 5. Repealer filed 8-13-81; effective thirtieth day thereafter (Register 81, No. 33).

1399.54. Electromyography Certification Fees.

Pursuant to section 2689 of the code, fees for physical therapists certified to perform electromyography are fixed as follows:

- (a) The application fee shall be \$100.00.
- (b) The biennial renewal fee shall be \$50.00.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2689, Business and Professions Code.

History

- 1. New section filed 11-17-78; effective thirtieth day thereafter (Register 78, No. 46).
- 2. Amendment filed 8-2-79; effective thirtieth day thereafter (Register 79, No. 31).
- 3. Amendment filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
- 4. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
- 5. Amendment of subsection (a) filed 5-15-91; operative 6-14-91 (Register 91, No. 26).

1399.55. Conversion Renewal Schedule.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Sections 2684 and 2688, Business and Professions Code.

History

- 1. New Section filed 1-26-84; effective thirtieth day thereafter (Register 84, No. 4).
- 2. Repealer filed 9-16-88; operative 10-16-88 (Register 88, No. 40).

**CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS
ARTICLE 11. ELECTROMYOGRAPHY CERTIFICATION**

1399.60. Definitions.

As used in these regulations:

- (a) "Electroneuromyography" means the performance of tissue penetration for the purpose of evaluating neuromuscular performance, and includes the evaluation of specific abnormal potentials and evoked responses.
- (b) "Kinesiological electromyography" means the study, including tissue penetration, of the phasic activity of individual or multiple muscles in relation to another physical or physiological event or exercise and does not include the evaluation of specific abnormal potentials or evoked responses.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.
History

- 1. New Article 11 (Sections 1399.60-1399.69, not consecutive) filed 11-17-78; effective thirtieth day thereafter (Register 78, No. 46).
- 2. Amendment of NOTE filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
- 3. Amendment filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
- 4. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.61. Certification Required.

(a) No physical therapist shall perform tissue penetration for the purpose of making an electromyographical evaluation unless he or she is certified by the board to perform such tests or such practice is appropriately supervised pursuant to Sections 1399.63 or 01399.64 in order to meet the experience requirements for examination by the board for certification.

(b) No physical therapist who is certified to perform kinesiological electromyography shall perform electroneuromyographical evaluations without additional authorization from the board as indicated on his or her certification.

(c) No physical therapist who is certified to perform electroneuromyographical evaluations shall perform kinesiological electromyography without additional authorization from the board as indicated on his or her certification.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.
History

- 1. Amendment filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
- 2. New subsection (c) filed 8-29-94; operative 9-28-94 (Register 94, No. 35).

1399.62. Application Required.

All applications for certification by the board in electromyography shall be on a form provided by the board which is accompanied by whatever documentation is required therein and the certification fee required in Section 1399.54 of these regulations.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.
History

- 1. Amendment filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
- 2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.63. Requirements for Kinesiological Electromyography Certification.

In order to be examined by the board for certification in kinesiological electromyography an applicant shall meet the following requirements:

- (a) Licensure. Be licensed as a physical therapist by the board.
- (b) Training in Tissue Penetration. Provide evidence of training under a licensed physician or a physical therapist certified to perform electromyography, in tissue penetration for the purpose of evaluation of muscular or neuromuscular performance which shall include instruction and demonstrations in:
 - (1) Pertinent anatomy and physiology,
 - (2) Choice of equipment,
 - (3) Proper technique,
 - (4) Hazards and complications,
 - (5) Post test care, and
 - (6) Satisfactory performance by the trainee in the technical skills of tissue penetration.

Such training may be completed as part of the course work obtained under subsection (c)(1) below.

(c) Education. Provide evidence of one of the following educational requirements:

(1) Completion of regular or extension course work pertinent to electromyography obtained in a public university or state college or in a private postsecondary educational institution which is accredited or approved under Section 94310 of the Education Code for which academic credit is awarded or continuing education course work, which is acceptable to the board. The curriculum vitae of the instructor, course outline, course objectives and evaluation mechanism of any extension or continuing education course work which is presented by the applicant as meeting the requirements of this section shall be forwarded to the board upon request. Such course work in order to qualify the applicant for certification shall include instruction in the following subject areas:

- (A) Gross anatomy -the muscular system of the body with emphasis on the structural and cross sectional relationships.
- (B) Neuroanatomy -organization and functional features of the central and peripheral nervous system.
- (C) Nerve and muscle physiology -bioelectric currents and their characteristic wave forms and conduction over peripheral nerves.

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

(2) Completion of a period of self-study which prepares the applicant to pass an examination for certification in kinesiological electromyography. Evidence and documentation shall include a summarization of what matters were contained in the self-study including the applicant's clinical exposure to electromyography and any materials studied on that subject and the names and statements, of any proctors who may have supervised the applicant in electromyography;

(3) Authorization to perform electromyography issued by another state with similar requirements.

(d) Experience. Provide evidence of the following experience requirements:

(1) Completion of not less than 200 clock hours in kinesiological electromyography satisfactory to the board which provides a progressive level of training under a physical therapist certified in kinesiological electromyography in this state or another state which has similar requirements for certification, or under a licensed physician who is similarly qualified to perform and who performs kinesiological electromyography as part of his or her practice of medicine who is approved by the board.

(2) Documentation of completion of 50 kinesiological electromyographic examinations.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History

1. New section filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).

2. Amendment of subsections (c)(2) and (d)(2) filed 12-31-81; effective thirtieth day thereafter (Register 82, No. 1).

3. Amendment of subsections (c)(2) and (d)(2) filed 5-20-85; effective thirtieth day thereafter (Register 85, No. 21).

4. Amendment of subsections (b) and (d)-(d)(1), repealer of designation of subsections (d)(1)(A)-(C), repealer of subsection (d)(1)(B), repealer of designation of subsection (d)(2)(A) and repealer of subsections (d)(2)(B)-(C) filed 8-29-94; operative 9-28-94 (Register 94, No. 35).

1399.64. Requirements for Electroneuromyography Authorization.

In order to be examined by the board for additional authorization to perform electroneuromyographical examinations an applicant shall meet the following requirements:

(a) Comply with Section 1399.63, subsections (a) and (b).

(b) Education. Provide evidence of one of the following education requirements:

(1) In addition to that course work required in Section 1399.63, subsection (c)(1), completion of the following additional course work which meets the requirements of that section in the following subject areas:

(A) Neuroanatomy which also emphasizes the course of peripheral nerves and patterns of innervation.

(B) Clinical neurology, myology and pathology -identification of clinical characteristics of neurogenic and myogenic disorders.

(C) Physical science of electroneuromyography -basic electrophysiology and the identification and recording of bioelectric signals.

(D) Clinical science of electroneuromyography -knowledge and procedures of patient evaluation and examination, including electromyographic and nerve conduction velocity studies, and training in tissue penetration.

(2) Completion of a period of self-study which prepares the applicant to pass a supplemental examination for additional certification to perform electroneuromyographical examination. Evidence and documentation shall include a summarization of what matters were contained in the self-study including the applicant's clinical exposure to electroneuromyography and any materials studied on that subject and the name and statements, of any proctors who may have supervised the applicant in electroneuromyography.

(3) Authorization to perform electroneuromyographical examinations issued by another state with similar requirements.

(c) Experience. Provide evidence of the following experience requirements:

(1) Completion of not less than 400 clock hours in electroneuromyography, satisfactory to the board which provides a progressive level of training under (a) a physical therapist authorized to perform electroneuromyography, in this state or, (b) under a licensed physical therapist in another state which has similar requirements for certification, who is authorized to perform electroneuromyography or who is certified by the American Board of Physical Therapy Specialists as an electrophysiological clinical specialist, or (c) under a licensed physician who is similarly qualified to perform and who performs electroneuromyography, as part of his or her practice of medicine.

(2) Documentation of completion of 200 electroneuromyographic examinations.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History

1. Repealer and new section filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).

2. Amendment of subsections (b)(2) and (c)(2) filed 12-31-81; effective thirtieth day thereafter (Register 82, No. 1).

3. Amendment of subsection (c)(1) filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

4. Amendment of subsections (b)(2) and (c)(2) filed 5-20-85; effective thirtieth day thereafter (Register 85, No. 21).

5. Amendment of subsections (c)-(c)(1), repealer of designation of subsections (c)(1)(A)-(B) with textual amendments, repealer of designation of subsection (d)(2)(A) with textual amendment and repealer of subsection (d)(2)(B) filed 8-29-94; operative 9-28-94 (Register 94, No. 35).

1399.65. Examination Required.

(a) All physical therapists applying for certification to perform kinesiological electromyography shall take and pass the examination referred in Section 1399.66, which will be administered by the board or its delegatee.

(b) All physical therapists applying for certification to perform electroneuromyography shall take and pass the examination referred in

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

Section 1399.67, which will be administered by the board or its delegate.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History

1. Amendment filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
2. Amendment of subsection (a) filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).
3. Repealer and new subsections (a) and (b) filed 8-29-94; operative 9-28-94 (Register 94, No. 35).

1399.66. Examination Subject Areas -Kinesiological Electromyography.

The examination for certification in kinesiological electromyography shall test applicants in the following subject areas:

(a) Basic science as related to kinesiological electromyography:

- (1) Anatomy
- (2) Electrophysiology

(b) Clinical science as related to kinesiological electromyography:

- (1) Pre-examination patient evaluation
- (2) Instrumentation
- (3) Kinesiological examination procedure and process.

(c) Practical application of kinesiological electromyography:

- (1) Needle/wire examination of muscles
- (2) Handling of equipment
- (3) Patient preparation and management
- (4) Data collection, presentation and summarization.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History

1. Repealer and new section filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
2. Repealer of subsection (a)(2) and subsection redesignation, amendment of subsections (b)(1) and (c)-(c)(1) filed 8-29-94; operative 9-28-94 (Register 94, No. 35).

1399.67. Examination Subject Areas - Electroneuromyography.

The examination for certification in electroneuromyography shall test applicants in the following subject areas:

(a) Basic science as related to electroneuromyography:

- (1) Anatomy
- (2) Electrophysiology
- (3) Neuromuscular pathology.

(b) Clinical science as related to electroneuromyography:

- (1) Instrumentation
- (2) Pre-examination patient evaluation
- (3) Examination procedure and process
- (4) Interpretation and recording of examination records and data.

(c) Practical application of electroneuromyography:

- (1) Needle examination of muscles
- (2) Motor and sensory nerve conduction velocity examinations.
- (3) Handling of equipment
- (4) Patient preparation and management
- (5) Data collection, presentation and summarization.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History

1. New section filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
2. Amendment filed 8-29-94; operative 9-28-94 (Register 94, No. 35).

1399.68. Certification Renewal.

All certificates to perform electromyography shall be renewed concurrently with each holder's physical therapy license. Renewals shall be on a form provided by the board accompanied by the renewal fee required in Section 1399.54 of these regulations.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.

History

1. Amendment filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
2. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

1399.69. Suspension or Revocation of Certificates.

(a) Any certificate to perform electromyography may be suspended or revoked or have probationary conditions imposed thereon by the board as directed by the board after proceedings held in accordance to the Administrative Procedure Act (Section 11500 et seq. of the Government Code) for any violation of this article, the Physical Therapy Regulations or Section 2660 of the code.

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

(b) It shall constitute unprofessional conduct and a violation of these rules for a physical therapist certified to perform kinesiological electromyography only to perform electroneuromyography without additional authorization obtained from the board, unless such practice is appropriately supervised pursuant to Section 1399.64 in order to meet the experience requirements for examination by the board for such additional authorization.

Note: Authority cited: Section 2615, Business and Professions Code. Reference: Section 2620.5, Business and Professions Code.
History

1. Amendment of NOTE filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 16).
2. Amendment filed 12-17-80; effective thirtieth day thereafter (Register 80, No. 51).
3. Amendment filed 6-29-83; effective thirtieth day thereafter (Register 83, No. 27).

ARTICLE 12. TOPICAL MEDICATIONS

1399.75. Compliance with Regulations.

A physical therapist may apply or administer topical medications to a patient as set forth in this article.

Note: Authority cited: Sections 2615 and 2620.3, Business and Professions Code. Reference: Section 2620.3, Business and Professions Code.

History

1. New Article 12 (Sections 1399.75-1399.79) filed 2-11-81; effective thirtieth day thereafter (Register 81, No. 7).

1399.76. Topical Medications Defined.

As used in this article "topical medications" means medications applied locally to the skin or underlying tissue where there is a break in or absence of the skin where such medications require a prescription or order under federal or state law.

Note: Authority cited: Sections 2615 and 2620.3, Business and Professions Code. Reference: Section 2620.3, Business and Professions Code.

1399.77. Administration of Medications.

Topical medications may be administered by a physical therapist by:

- (a) Direct application;
- (b) Iontophoresis; or
- (c) Phonophoresis.

Note: Authority cited: Sections 2615 and 2620.3, Business and Professions Code. Reference: Section 2620.3, Business and Professions Code.

1399.78. Authorization and Protocols Required.

Topical medications shall be applied or administered by a physical therapist in accordance with this section.

(a) Any topical medication applied or administered shall be ordered on a specific or standing basis by a practitioner legally authorized to order or prescribe such medication.

(b) Written protocols shall be prepared for the administration or application of each of the groups of medications listed in Section 1399.79 for which a prescription is required under Federal or State law, which shall include a description of the medication, its actions, its indications and contraindications, and the proper procedure and technique for the application or administration of medication.

Note: Authority cited: Sections 2615 and 2630.3, Business and Professions Code. Reference: Section 2630.3, Business and Professions Code.

1399.79. Authorized Topical Medications.

A physical therapist may apply or administer those topical medications listed in this section in accordance with the provisions of this article:

- (a) Bacteriocidal agents;
- (b) Debriding agents;
- (c) Topical anesthetic agents;
- (d) Anti-inflammatory agents;
- (e) Antispasmodic agents; and
- (f) Andrenocortico-steroids.

Note: Authority cited: Sections 2615 and 2630.3, Business and Professions Code. Reference: Section 2630.3, Business and Professions Code.

CORPORATIONS CODE OF CALIFORNIA PART 4 PROFESSIONAL CORPORATIONS

13400. Title Cited.

This part shall be known and may be cited as the "Moscone-Knox Professional Corporation Act." Leg.H. 1968 ch. 1375.

CALIFORNIA CODE OF REGULATIONS TITLE 16 DIVISION 13.2 PHYSICAL THERAPY REGULATIONS

13401. Definitions.

As used in this part:

(a) "Professional services" means any type of professional services which may be lawfully rendered only pursuant to a license, certification, or registration authorized by the Business and Professions Code or the Chiropractic Act.

(b) "Professional corporation" means a corporation organized under the General Corporation Law or pursuant to subdivision (b) of Section 13406 which is engaged in rendering professional services in a single profession, except as otherwise authorized in Section 13401.5, pursuant to a certificate of registration issued by the governmental agency regulating the profession as herein provided and which in its practice or business designates itself as a professional or other corporation as may be required by statute. However, any professional corporation or foreign professional corporation rendering professional services by persons duly licensed by the Medical Board of California or any examining committee under the jurisdiction of the board, the State Board of Pharmacy, the Board of Examiners in Veterinary Medicine, the Board of Architectural Examiners, the Certified Shorthand Reporters Board, or the Board of Registered Nursing shall not be required to obtain a certificate of registration in order to render those professional services.

(c) "Foreign professional corporation" means a corporation organized under the laws of a state of the United States other than this state that is engaged in a profession of a type for which there is authorization in the Business and Professions Code for the performance of professional services by a professional corporation.

(d) "Licensed person" means any natural person who is duly licensed under the provisions of the Business and Professions Code or the Chiropractic Act to render the same professional services as are or will be rendered by the professional corporation or foreign professional corporation of which he or she is or intends to become, an officer, director, shareholder, or employee.

(e) "Disqualified person" means a licensed person who for any reason becomes legally disqualified (temporarily or permanently) to render the professional services which the particular professional corporation or foreign professional corporation of which he or she is an officer, director, shareholder, or employee is or was rendering.

SUMMARY OF PENAL CODE OF CALIFORNIA

PART 4

TITLE 1

CHAPTER 2. CONTROL OF CRIMES AND CRIMINALS

ARTICLE 2. REPORTS OF INJURIES

Section 11160, Article 2, Chapter 2 of the Penal Code requires health practitioners (including physical therapists and physical therapist assistants), along with other identified individuals, who has knowledge of, or observes, in his or her professional capacity or within the scope of his or her employment, a patient whom he or she knows or reasonably suspects is a person suffering from a wound or other injury inflicted by his or her own act or inflicted by another where the injury is by means of a knife, firearm, or other deadly weapon, or any person suffering from any wound or other physical injury inflicted upon the person where the injury is the result of assaultive or abusive conduct, shall immediately make a report to a local law enforcement agency. Assaultive or abusive conduct includes murder (violation of Section 187), manslaughter (violation of Section 192 or 192.5) and mayhem (violation of Section 203, aggravated mayhem (violation of Section 205), torture (violation of Section 206), assault with intent to commit mayhem, rape, sodomy, or oral copulation (violation of Section 220), battery (violation of Section 242), sexual battery (violation of Section 243.5), incest (violation of Section 285), throwing any vitriol, corrosive acid, or caustic chemical with intent to injure or disfigure (violation of Section 244), assault with a stun gun or laser (violation of Section 244.5), assault with a deadly weapon, firearm, assault weapon, or machine gun, or by means likely to produce great bodily injury (violation of Section 245), rape (violation of Section 261), spousal rape (violation of Section 262), procuring any female to have sex with another man (violation of Section 266, 266a, 266b, or 266c), child abuse or endangerment (violation of Section 273a or 273d), abuse of spouse or cohabitant (violation of Section 273.5), sodomy (violation of Section 286), lewd and lascivious acts with a child (violation of Section 288), oral copulation (violation of Section 288a), genital or anal penetration by a foreign object (violation of Section 289 or 289.5), elder abuse (violation of Section 368), and an attempt to commit any of the above crimes. Injury shall not include any psychological or physical condition brought about solely through the voluntary administration of a narcotic or restricted dangerous drug.

A report by telephone shall be made immediately or as soon as practically possible. A written report shall be prepared and sent to a local law enforcement agency within two working days of receiving the information regarding the person. A local law enforcement agency shall be notified and a written report shall be prepared and sent even if the person who suffered the wound, or other injury, or assaultive or abusive conduct has expired, regardless of whether or not the wound, other injury, or assaultive or abusive conduct was a factor contributing to the death, and even if the evidence of the conduct of the perpetrator of the wound, other injury, or assaultive or abusive conduct was discovered during an autopsy.

The report shall include, but shall not be limited to, the following:

(A) The name of the injured person, if known.

(B) The injured person's whereabouts.

(C) The character and extent of the person's injuries.

(D) The identity of any person the injured person alleges inflicted the wound, other injury, or assaultive or abusive conduct upon the injured person.

When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of violence that is required to be reported, and when there is an agreement among these persons to report as a team, the team may select by mutual agreement a team member to make the required reports. Any member who has knowledge that the member designated to

ARTICLE 2.5 CHILD ABUSE AND NEGLECT REPORTING ACT

Section 11166, Article 2.5, Chapter 2 of the Penal Code requires any health practitioner (including physical therapists and physical therapist assistants), along with other identified individuals, who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning this incident.

Failure to comply with the requirements of Section 11160 or 11166 of the Penal Code is a misdemeanor, punishable by up to six months in jail or by a fine of one thousand dollars (\$1,000) or by both.